

IN THE HIGH COURT OF DELHI AT NEW DELHI

**W.P.(C) 6864/2010 UNION OF INDIA Petitioner
Through: Mr. S.K. Dubey with Ms. Lokitaksha Shukla,
Advocate**

versus

TAYYAB KHAN Respondent Through:

CORAM: JUSTICE S. MURALIDHAR

ORDER

07.10.2010

CM APPL No. 13562/2010

Exemption allowed subject to all just exceptions. The application is disposed of.

WP (Civil) 6864/2010 & CM APPL No. 13561/2010 (for stay)

1. The challenge in this petition are to orders dated 30th July 2010 and 27th August 2010 of the Central Information Commission (CIC). The CIC has, while allowing the Respondents appeal, directed the Petitioner to pay him compensation of Rs. 25,000/- under Section 19(8)(b) of the Right to Information Act, 2005 (RTI Act).

2. This Court has heard the submissions of Mr. S.K. Dubey, learned counsel for the Petitioner.

3. On 28th October 2009 the Respondent applied to the Central Public Information Officer (CPIO) in the Ministry of Minority Affairs [MOMA] for a notified copy of the rules and regulations in respect of the staff of the Central Wakf Council (CWC). The CPIO, MOMA transferred the application of the Respondent to the CPIO of the CWC. But the requisite information was still not provided. The Appellate Authority, by an order 9th December 2009, directed the Respondent CPIO, MOMA to give a notified copy of the rules and regulations of the service matters of the employees of CWC to the Respondent. On 17th December 2009, the Respondent was informed that "the notified

copy of the rules and regulations on the service matters of the staff of CWC is not available with the Ministry."

4. When the CIC heard the appeal it transpired that since the Rules were themselves not notified in the gazette, they could not be provided to the Respondent. The CIC observed that had either the CPIO of the CWC or the CPIO of the MOMA given this information in time, the unnecessary harassment caused to the Respondent in running from pillar to post could have been avoided. In those circumstances, the CIC awarded a compensation of Rs. 25, 000/- to the Respondent.

5. It was submitted by Mr. Dubey that the Respondent should have known that there were no separate gazetted rules for the staff of the CWC and therefore he was not prejudiced in any manner. This submission cannot be accepted. It is only because of the Petitioner's doubt as to the existence of the Rules, that he filed an application on 26th October 2009 under the RTI Act. In fact, even the Appellate Authority proceeded on the footing that such Rules were available. Indeed, if the Respondent had been told right in beginning that there were no such rules, he would not have been compelled to approach the Appellate Authority and thereafter the CIC to seek information which did not exist. It is in this context that the CIC, in the impugned order, awarded compensation to the Respondent. This Court finds no illegality vitiating the impugned orders of the CIC.

6. In the facts and circumstances of the case, this Court is not persuaded to interfere with the impugned orders of the CIC.

7. This writ petition is dismissed.

S. MURALIDHAR, J

OCTOBER 07, 2010